

ADELAIDE INSTITUTE

PO Box 3300
Adelaide 5067
Australia
Mob: 61+401692057
Email: info@adelaideinstitute.org
Web: <http://www.adelaideinstitute.org>

Online
ISSN 1440-9828



May 2014 No 769



Repeal S.18(C) which makes it a crime in Australia to offend another because of what you say.

Multiculturalism Less Free Speech

It does not have to be that way

Amend S.18(C) Racial Discrimination Act

TP 6/5/2014

from Yanko Tsvetkov's Atlas of Prejudice 3
www.atlasofprejudice.com

from Yanko Tsvetkov's Atlas of Prejudice 3

www.atlasofprejudice.com



From: Trevor Poulton poulton@labyrinth.net.au

Sent: Thursday, 8 May 2014 3:13 PM

To: 'Jon Faine'; annabel.crabb@abc.net.au; Waleed.Aly@monash.edu

Cc: Joe.Hockey.MP@aph.gov.au; senator.brandis@aph.gov.au; senator.abetz@aph.gov.au;
senator.bernardi@aph.gov.au

Subject: FW: ABC News short-changes Voters - Article by Trevor Poulton (Team Law)

Subject: ABC News short-changes Voters – Article by Trevor Poulton (Team Law)

Dear ABC

Please click on to my website to view article just written on the ABC's operations. Please onforward this email to Alan Sunderland who is referenced in the article.

<http://www.teamlaw.net.au/abc-news-short-changes-public-on-democracy.html>

Trevor Poulton

TEAM Business & Property Law

Barristers & Solicitors

First Floor

Unit 2, 1497 Hume Hwy

Campbellfield VIC 3061

Mobile: 0402 987 181

www.teamlaw.net.au

Email: poulton@labyrinth.net.au

Facebook - Mozilla Firefox

Trevor Poulton - Repeal S.18C

ABC NEWS short-changes public on dem...

Facebook

ABC NEWS short-changes public on dem...

https://www.facebook.com

media space

Most Visited Getting Started Latest Headlines Customize Links Free Hotmail Windows Marketplace Windows Media Windows

Search for people, places and things

Trevor Home

Music

Games Feed 20+

FRIENDS

Melbourne, Victo... 20+

Close Friends

Family

Scotch College

Burwood High School

Acquaintances

INTERESTS

Pages and Public... 20+

PAGES

Like Pages 20+

Pages Feed 20+

Create a Page...

Trevor Poulton

4 mins · Melbourne · Edited ·

In contravention of its charter, ABC NEWS neglects to explore the full range and diversity of political views and values that in fact inform political debate in Australia. It is timely that the ABC is being scrutinised by the Federal Government, the Treasurer, the Taxpayers, and the Voters. SEE ATTACHED ARTICLE

Trevor Poulton - Team Business & Property Law

<http://www.teamlaw.net.au/abc-news-short-changes-public-on-democracy.html>

Find out where you stand

ABC

ABC NEWS short-changes public on democracy

NEWS short-changes Voters on Democracy

How you fit in the political landscape

TEAMLAW.NET.AU

Like · Comment · Share

Write a comment...

Garyth King shared Upworthy's photo

8 mins ·

Wind turbines can be located in places where their localised noise effects are not affecting anyone, coal smog spreads everywhere! More wave, tide, wind, solar, geothermal energy generation please!

WhatsOn Display Page...

museumvictoria.com.au

Day of the Dead Face Painting Demonstration - Sat 10 May - Book Now <http://museumvictoria.com.au>

A Men's Shed - Online

www.theshedonline.org.au

Talk to other blokes & pick up a new skill or two. You could even win a new socket set!

A new year, a new you!

jennycraig.com.au

Get your summer body, with the support that you need. Call Jenny now.

\$30 Free in Pokies!

bingo.softonic-games.com

\$30 FREE in Pokie Cash! ONLY Available In Your Postcode! Click To Claim Instantly!

What Catholics believe?

catholicenquiry.com

Want to know more about the (18) Chat (18)

start

Search Desktop

EN

3:03 PM



Andrew Bolt

Australia's most read columnist

MORE ANDREW BOLT OPINION, BLOG POSTS AND VIDEO



Waleed Aly avoiding the obvious truth

ANDREW BOLT, *HERALD SUN*, MAY 07, 2014 8:00PM



WALEED Aly is the model moderate Muslim, used by the media to persuade us we have little to fear from Islam but our own bigotry. His rewards have been great. Once the spokesman for the Islamic Council of Victoria, he is now an ABC radio host, a Channel 10 co-presenter and an Age columnist. He is even a politics lecturer at Monash University's Global Terrorism Research Centre, despite having no doctorate and having qualified in engineering and law. This week Aly showed the style that's made him such a pet of the establishment Left but a worry to me.

<http://www.heraldsun.com.au/news/opinion/waleed-aly-avoiding-the-obvious-truth/story-fni0ffxg-1226909383829>

Lunch with the obsessive Andrew Bolt



[Gay Alcorn](#), *Columnist*, May 1, 2014



Lunch with Andrew Bolt. *Photo: Joe Armao*

Andrew Bolt declines my invitation to lunch. "I've read what you have written about me and would hate myself for trying to persuade you I am actually human," he says in an email. "I'd hate myself even more on finding I had failed." It is such an unusual response that it is hard to let it pass. He does agree after some to-ing and fro-ing and an assurance that the purpose isn't to sneer or attack. It's a lunch, a discussion, an old-fashioned attempt to try to explain why someone thinks what they do.

Bolt says he's hopeless about time and asks me to remind him on the day, which I do, and we meet at Nicosia, a modest and warm-hearted Turkish restaurant in Malvern. The servings are generous, and Bolt puts together his own dish of spinach and other vegetables, lamb and chicken. The Bolt family – he is married to journalist Sally Morrell and has three children – come here often for dinner.

I confess I'm apprehensive and Bolt says he is, too – Sally has told him this is a big mistake. The media is polarised, with the left and the right searching for the enemy's soft spots. Bolt sees *The Age* as having attacked him unfairly over many years. I see Bolt as a right-wing warrior.

As it turns out, he is a courteous, engaging if challenging lunch companion. He is, as you would expect, argumentative, and extremely upset about how he is being portrayed in the debate about the government's proposed changes to the Racial Discrimination Act.

"I'll tell you what it feels like," he says. "It feels like a piano being dropped on my head every day... this outrage that certain opinions cannot be voiced. I'm not a monster. The articles that got banned were actually articles against seeing each other as racial types and arguments for seeing each other as individuals. For that to be deemed an example of racism is like to be in a Kafka novel, it's just absolutely shattering."

Bolt, 54, is the most ubiquitous and influential conservative commentator in the country. He writes highly readable, sometimes funny, always provocative columns in the *Herald Sun*, which are syndicated in News Corp's Sydney and Adelaide papers. He's a prolific blogger, the host of *The Bolt Report* on Sundays on Network Ten, and a nightly radio guest. He is "completely obsessive, seven-day-a-week obsessive", with his obsessions focused on a few subjects – challenging the orthodoxy on climate change, the ABC's left-wing bias, "leftist" follies generally and the dangers of racial "tribalism".

It was his obsession with race that leads us here. The 2011 federal court decision that two of his columns breached section 18C of the Racial Discrimination Act was the acknowledged catalyst for Attorney-General George Brandis' determination to radically change our racial hatred laws because of their "chilling" effect on

free speech. Bolt is the lightning rod in this debate, the cause celebre, the person few defend whole-heartedly. There are strange bedfellows here. Some people (including me) who disagree with Bolt's views on most things nonetheless believe that section 18C of the Act that makes it unlawful to "offend, insult, humiliate or intimidate" a person or group on racial grounds is too broad in a democracy where robust debate means that even the most unpalatable opinions should be contested, not outlawed.

But Brandis' "exposure draft" of amendments would radically wind it back. It shifts the emphasis from the impact that words have on people to whether they incite hatred towards those people or cause them physical fear. Even if they do, there is a broad exemption for anything that's part of public discussion. Jewish and ethnic groups, and even some conservative politicians, say they would risk giving a green light to racial abuse and intolerance.

Bolt's articles named 18 fair-skinned Aboriginal people – artists, academics and activists among others – who he claimed had chosen to identify as indigenous (despite having mostly European heritage) in order to gain career opportunities available to Aborigines. His broader point – one he has written about for many years – was that, paradoxically, this was racially divisive. People could just as easily identify with their British heritage, for instance, or even better, be "proud only of being human beings set on this land together, determined to find what unites us and not to invent such racist and trivial excuses to divide".

Nine people gave evidence and federal court judge Mordecai Bromberg found Bolt had breached 18C. The *Herald Sun* did not dispute during the case that all nine had identified as Aboriginal since childhood. And there was no evidence that they had done so for financial or personal gain. Instead, the defence argued that the law was only meant to deal with things that incited racial hatred – a view the judge rejected. But even if Bolt had breached 18C, he argued the columns were "fair comment" in a matter of public interest, the so-called free speech exemption.

The judge ruled he couldn't rely on that defence because Bolt had not acted reasonably and in good faith as required. Nothing prevented someone discussing the issue of racial identity but Bolt's defence failed because of the manner in which he did so, the "errors of fact, distortions of the truth and inflammatory and provocative language".

Bolt is wary of discussing the case and asks whether Fairfax will legally indemnify him because he takes a "huge risk" talking about it – the court ruled the columns could not be republished. The way he sees it is that the essence of the case was to outlaw his opinion. He might have got some facts wrong, he might have put his views in a sarcastic tone as do many writers, but this was really about banning him from having an

opinion others found offensive. It's better to argue those opinions out, rather than use the law to silence them.

Bolt was labelled a racist, or at the least someone who racially abused people, for columns he insists were anti-racist – they argued against distinctions based on people's race. Bolt will argue strongly against racism wherever he sees it – and he sees it in "tribalism", emphasising differences based on who your ancestors are.

"To be criticised for something you believe in, I've had that many times, you can take that. To be criticised for something you don't believe in, as in views you don't hold but are ascribed to you, particularly toxic views, has just been a nightmare," he says.

I ask him the obvious question. He was devastated by academic Marcia Langton suggesting on *Q and A* that he was a racist – for which she later apologised, while maintaining that he was "playing with racist ideas". Weren't the people he had written about also devastated about how he had portrayed them? Could he empathise with them?

"I feel some empathy, obviously," he says. "But should that stop me from debating issues? Should it stop me from wondering whether grants that we give on a race basis which I think is wrong (but) are intended to help people who are suffering a particular disadvantage, to people who in some cases might not obviously be disadvantaged?"

What of the argument that racial vilification can have a profound impact on people, could even cause them to be silenced? How could he know what that feels like?

"In the last month looking at the mass media, I am a racist. Apparently I abused a particular Melbourne University academic, this is utterly false, and drove her from public life. Racist, racist, racist. I should be speared. I should be killed – that was on a blog, not the mass media. I accused someone of being a paedophile, that I am a paid liar, that I say to the Jewish community that they owe me, because I did them favours.

"Is Tim Soutphommasane, the race discrimination commissioner) seriously saying that I don't know what it's like to be vilified?... I'm not saying this in self pity, please underline that, I'm not saying this in self pity, but for people to say that people, like me, don't understand about vilification, Tim, walk in my shoes. I doubt that he could have survived the last month and at times I wondered whether I could."

Bolt has been pilloried, particularly on social media, for his distress during this debate given his full-blooded criticism of others. There's also the question of his power to push back against inaccurate claims about him. Bolt now feels powerless, at the whim of people saying things about him that distort what he believes and that paint him as a monster. But he's still more powerful than almost everyone else who finds

themselves in that position, including those who were badly hurt by his articles.

"That's correct," he says, "but there are lot of other different laws (other than the Racial Discrimination Act). There are people like me to take up causes. You and I have responsibility to help the helpless. You're talking about a law that was actually used to silence debate. It's not to help the powerful. You're talking about a law that was taken up by people that included professors of law, and activists, and high-ranking academics, and artists."

Jewish groups have used the laws to fight Holocaust denial and have lobbied for them to stay.

Bolt has expressed dismay that so few Jewish leaders have supported him but he stands by his view that Holocaust denial, even though it can be framed in anti-Semitic language, should not be outlawed. [-emphasis added by ed. AI]

"I've been to the point of caricature, someone who has spoken up for Israel, against anti-Semitism ... yet I don't think Holocaust denial should be banned. It demeans us, it trivialises us. If we as a society don't have it in us to laugh at Holocaust deniers and denounce them with our words and not the law then we really are in a sorry mess."

The president of the Executive Council of Australian Jewry, Peter Wertheim, says that what Holocaust denial actually does is deny people their humanity, their individuality. It smears Jews and dehumanises them.

"People deny the individuality of people all the time," Bolt says. "It's not just race, they say that about religion, about class, about politics, (they say) 'all conservatives are like this'. They say it of gender, sexual preference. 'All blondes are this'. People have been insulting each for all time about all different things. Sticks and stones. Sticks and Stones. Grow up." I raise the issue of what Bromberg called Bolt's "gross errors" and their role in his case's outcome. He is annoyed at this, because he says he cannot properly defend himself.

"You want to raise the errors and if I defend the errors are you going to pay the legal costs? How fair is that? You're not being fair. What if I say to you, 'that's not an error'. What if I say to you 'that error is insignificant'. ... It all goes comes down to the opinion. Let's not start making excuses for silencing my opinion."

The lunch has stretched out to three hours. It hasn't all been about race, and most of it hasn't been heated at all. Bolt loves travel and spent his 50th birthday with his family in Sicily. He would "feel a failure" if he doesn't write a book one day. There is a long discussion about climate change, in which he accuses most journalists, including me, of a dereliction of duty for not critically scrutinising dire climate-change predictions that have failed to materialise.

He has five months' long service leave owing and his wife wants to escape all that's been going on and head

overseas next year. Over the past few weeks, he has wondered whether he should stop writing about race altogether. He is certain the government will wobble, given the resistance to the changes, and that the final amendments will be a watered-down version of what Senator Brandis proposed.

He was wary, too, about expressing his opposition to the recognition of Aborigines in the Constitution's preamble, a cause Prime Minister Tony Abbott is championing. "I talked to Tony Abbott, don't say that, well, I've had discussions with political leaders about this issue." It's really the same issue he's been writing about for years. Recognising Aboriginal people alive

today as the "first Australians" is racist because it singles out particular people based on who their ancestors were.

"I really believe as a matter of principle that it's wrong. I believe it will divide us. I believe it will probably fail but I'm not sure. And if it succeeds it's even worse for me personally. You stood in the way of his historic moment, we all join together, kumbaya, and you're just a racist."

<http://www.theage.com.au/comment/lunch-with-the-obsessiveandrewbolt20140501zr2ab.html#ixzz3175DKj uX>

Holocaust denier Frederick Toben backs George Brandis' plans for discrimination law

Heath Aston, political correspondent, May 13, 2014



Congratulating the government on its amendments:

Frederick Toben. Photo: Supplied

Holocaust denier Frederick Toben has strongly backed the Abbott government's plans to water down race hate laws, describing them as a welcome challenge to "Jewish supremacism" in Australia.

In an explosive submission to Attorney-General George Brandis' review of the Racial Discrimination Act,

obtained by Fairfax Media, Mr Toben congratulated the government for its attempt to rectify what he describes as a "flawed law, which only benefits Jewish-Zionist-Israeli interests".

His comments drew immediate anger in the Jewish community, which has warned that the government's plans for Section 18C of the act will open the door to "vilification on a massive scale".

Mr Toben said Senator Brandis – who famously defended people's "right to be a bigot" – had incorrectly claimed the need for reform of the Racial Discrimination Act was about free speech and the conviction of News Corp columnist Andrew Bolt under 18C.

"The essence of what the RDA Section 18C is all about and why it needs to be repealed is that the so-called 'Bolt law' is in effect a 'Holocaust' protection law," Mr Toben wrote.

"The 'Bolt law' case was used in an attempt to hide this Holocaust matter and to make it a free expression issue. The trap set for the multiculturalists in Australia by Jewish interests, who designed Section 18C, is that the sole aim of this section has always been to legally protect ... the Holocaust-Shoah narrative."

Senator Brandis distanced the government from Mr Toben's support on Tuesday, describing him as a "nutter".

"I've never read anything that Mr Toben has said but I'm aware of his views from press reports and views I've heard attributed to Mr Toben are absolute rubbish," he said.

"I don't agree with Mr Toben but I do agree with President Barack Obama who said last week in relation to the Donald Sterling case: 'when people, when ignorant folks want to advertise their ignorance, you don't have to do anything, you just let them talk'."

The Executive Council of Australian Jewry, the Australia-Israel and Jewish Affairs Council, and the Zionist Federation condemned Mr Toben but said it was the government's proposal that would allow him to freely peddle his views.

Mr Toben, a German-born Australian, was found to be in breach of discrimination laws in 2003. He went to jail in 2009 for defying Federal Court orders to remove material from his website that claimed there were no gas chambers at Auschwitz, and describing the murder of millions of Jews during World War II as the "Holocaust myth".

Executive Council of Australian Jewry executive director Peter Wertheim said: "I am sure the government will derive no joy at all from Fredrick Toben's endorsement of its proposals to water down section 18C and 18D of the Racial Discrimination Act.

"Toben has spent a large part of his life vainly attempting to rehabilitate the disgraced record of Nazi Germany. If the government's proposed changes to the law are enacted, racist rants of this kind will be given a free pass on the basis that they are part of a public discussion.

"Worse still, overtly racist discourse will be given the accolade of freedom of expression. It's time for the government to abandon its ideologically-driven attempt to emasculate laws that have worked well for nearly 20 years."

Tsvi Fleischer of the Australia-Israel and Jewish Affairs Council said the changes proposed by the government were a licence to vilify on a massive scale.

"Toben's submission is more evidence of that," he said. "If the changes go through according to the government's model for comment, we do fear that people like Toben will be able to say whatever he wants – which is usually how evil the Jews are all the time."

Labor senator Lisa Singh said: "Mr Toben is wrong in almost everything he says, except in his claim that the Abbott government's changes would give him licence to continue his racist tirades.

"George Brandis has offended the vast majority of communities and organisations across Australia with his proposals to license racism. The only people still supporting him unequivocally are extremists like Holocaust denier Frederick Toben."

<http://www.theage.com.au/federal-politics/political-news/holocaust-denier-frederick-toben-backs-george-brandis-plans-for-discrimination-law-20140513-zrbnx.html>

51 comments

So now we know where Baron Bookshelf gets his inspiration from.

Commenter - **AI**
Location

From: Fredrick Toben toben@toben.biz
Sent: Wednesday, 14 May 2014 5:04 PM
To: newsdesk@theage.com.au
Cc: cfalkner@fairfaxmedia.com.au
Subject: Right-of-Reply

Dear Editors

Please be advised that your today's front-page **The Age** article by political correspondent, Heath Aston:

Holocaust denier backs Brandis race hate law

– electronic copy headline: **Holocaust denier Frederick Toben backs George Brandis' plans for discrimination law**, at: <http://www.theage.com.au/federal-politics/political-news/holocaust-denier-frederick-toben-backs-george-brandis-plans-for-discrimination-law-20140513-zrbnx.html> – is incorrect in asserting I am a "Holocaust denier".

Further, the caption above the picture featuring concentration camp inmates – **The notorious Fredrick Toben may soon be free to deny this happened** – is implicitly defamatory.

For the past two decades I have studied the official "Holocaust narrative" and have questioned many of the assertions made within this narrative. Such questioning is a far cry from what Heath Aston claims I am, namely a "Holocaust denier", and I thus deny that I am a "Holocaust denier".

Perhaps Heath Aston could have mentioned my basic maxim that aims to eliminate any kind of scapegoating and focuses on the measurable truth-content of a matter asserted to be a physical fact: **'Don't only blame the Jews, also blame those that bend to their pressure'**. Naturally in another non-Holocaust context the word "Jews" can be replaced by other groups that are the subject of scapegoating because such thinking does not help us to clarify the problems we are worrying about.

I would be pleased to hear from you on this matter.

Dr Fredrick Toben toben@toben.biz

From: Fredrick Toben toben@toben.biz
Sent: Wednesday, 14 May 2014 1:48 PM
To: newsdesk@smh.com.au
Subject: Right-of-Reply

Dear Charlie – herewith my response as mentioned in our telephone conversation –Thanks. Fredrick Toben

Dear Editor

Please be advised that your today's front-page article by political correspondent, Heath Aston:

Race hate law Changes will challenge 'Jewish supremacism', historian says

Holocaust denier backs Brandis –

– electronic copy headline: Holocaust denier Frederick Toben backs George Brandis' plans for discrimination law, at <http://www.smh.com.au/federal-politics/political-news/holocaust-denier-frederick-toben-backs-george-brandis-plans-for-discrimination-law-20140513-zrbnx.html#ixzz31dWvxtNW> – is incorrect in asserting I am a "Holocaust denier". For the past two decades I have studied the official "Holocaust narrative" and have questioned many of the assertions made within this narrative. Such questioning is a far cry from what Heath Aston claim I am, namely a "Holocaust denier".

Dr Fredrick Toben toben@toben.biz

Date and time - May 14, 2014, 7:51AM

*

With friends like that Brandis might find the freedom to humiliate and intimidate just that bit harder to defend.

Bigots of the world unite! You have nothing to lose but your xenophobia!

Commenter - **Truthisfree**

Location - WA

Date and time - May 14, 2014, 10:44AM

*

That is a most unkind and hurtful comment Al, to suggest that the honourable member, Mr Brandis, gets his inspiration from Mr Toben is clearly untrue as Mr Brandis tells us this is untrue, and we all know that politicians always tell the truth, as the budget bares out.

Commenter - **Zjonn**

Location

Date and time - May 14, 2014, 1:50PM

*

This is exactly why the government should never change section 18C of the racial discrimination act. What a disgusting human being. All to placate Andrew Bolt. Ugh

Commenter - **Peaches**

Location

Date and time - May 14, 2014, 7:51AM

*

By making his speech illegal, the government implies that there's an element of truth and power to his speech.

I'd much rather he be allowed to air his views in public, where they can be showed for the intellectually dishonest sham that they are. The way to fight bad speech is with good speech, not with draconian censorship.

Commenter - **James Hill**

Location - Melbourne

Date and time - May 14, 2014, 9:52AM

*

I have a friend who witnessed the holocaust. He saw the trains. He visited the site in 1945 when it had just been vacated. He saw human remains still lying there.

In the light of this and tons of other evidence the notion of holocaust denial resides on a spectrum somewhere between delusion, denial and personality disorder.

Nevertheless, if someone wants to say 'it never happened' then let them do so. They can produce their evidence. This can be assessed against evidence from the other side. It is mind-blastingly clear who will win.

I did object to David Irving being denied entry to this country due to Jewish influence. Irving was only ever going to discredit himself. The Jewish lobby is telling me what I can hear and what I cannot. That is not acceptable!

Commenter - **Jasper the Labrador**

Location

Date and time - May 14, 2014, 11:07AM

*

@James Hill

"I'd much rather he be allowed to air his views in public, where they can be showed for the intellectually dishonest sham that they are."

On a theoretical level I agree with this.

However, I think that conspiracy theorists (Holocaust deniers, 9/11 deniers, people who believe that the Moon landings were faked, etc, etc) are incapable of rational thought.

They are so locked into their conspiracy theories that they are unable to accept or discuss, in an intellectually honest way, the abundant evidence which shows that their conspiracy theories are nonsense.

Commenter - **Dr Kiwi**

Location

Date and time - May 14, 2014, 2:20PM

*

Holocaust denial or not, the fact remains that Mr Toben, myself, the lady sitting across from me having her coffee and the chap that served me in the supermarket last night are all entitled to "Free Speech"

I will not be told by an inept government what I can and cannot say. This is not George Orwell's "1984".....yet.

Commenter - **Dr Raines**

Location - Sydney

Date and time - May 14, 2014, 8:16AM

*

So, it's OK if I humiliate and intimidate you in my reply? I don't think you would like me using my free speech in that way.

But I'm guessing that you are a white male - and therefore I would only breach 18C if I intimidated or humiliated you based on your race, so that isn't likely to happen.

Commenter - **mattoxic**

Location - Mont Albert

Date and time - May 14, 2014, 9:33AM

*

Dr Raines, you have no God given right to tell harmful mistruths about people.

Having said that, why don't you (for the sake of placating your feelings of righteous indignation) get on a plane and tell the flight attendant you have a bomb? In court later, tell them it was simply a statement about freedom of speech. Better yet, give this a go in the good old US of A - the bastion of free speech.

Commenter - **jofek**

Location

Date and time - May 14, 2014, 9:56AM

*

You just don't get it Dr Raines: there is only one true faith, one correct way of thinking, and a very short list of approved words and books. Anyone who disagrees with me or says anything I don't like is a blaspheming heretic and should be instantly silenced, at a minimum, and sent to the Gulags for life if they say, or write, or think something else that offends me.

I am very easily offended and I don't see any reason why those who offend me by saying nasty things about my race, my religion, my dietary habits, my physical appearance, the colour of my ties, or my habits and practices should not be severely punished.

I am right about everything and I know this to be true because everyone who has ever disagreed with me about anything has clearly been wrong. I see no reason why I should suffer the gross and calumnious offence of anyone disagreeing with me or holding a contrary opinion.

What we need in this country is true democracy where only my correct views on everything are allowed.

Commenter - **Jack Richards**

Location - Snowy Mountains

Date and time - May 14, 2014, 9:59AM

*

Dr Raines,

When you make a statement in good faith (i.e. you believe it to be factually correct), you still have quite good protection under section 18D. The Andrew Bolt's of the world don't tend to talk about 18D much, as it renders most of their arguments void. Section 18D states:

Section 18C does not render unlawful anything said or done reasonably and in good faith:

(a) in the performance, exhibition or distribution of an artistic work; or

(b) in the course of any statement, publication, discussion or debate made or held for any genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest; or

(c) in making or publishing:

(i) a fair and accurate report of any event or matter of public interest; or

(ii) a fair comment on any event or matter of public interest if the comment is an expression of a genuine belief held by the person making the comment.

Commenter - **JRD**

Location - Melbourne

Date and time - May 14, 2014, 10:03AM

*

Bernie, of course you have free speech. Andrew Bolt would never have got into trouble if he had done some research to support his point of view. He got in trouble because he denigrated a group with no supporting evidence for that view. If he had just built an argument on fact then there would be no problem.

Rights bring with them responsibilities. Similar to the Racial Vilification act we already have the defamation law which similarly means that I can't publicly destroy your reputation UNLESS I can prove that what I say is true. How can that be unfair? Should we abolish defamation laws as well? Are you prepared to waive your right to sue so that I can publicly demolish your reputation?

Commenter - **Glenn59**

Location - SYDNEY

Date and time - May 14, 2014, 10:23AM

*

@ Mattoxic

"But I'm guessing that you are a white male..."

Why do you bring race and gender into this? Why do you suppose that Dr Raines is a "white male"? Doesn't a "white male" have any right to express an opinion?

You jumped to a conclusion, based on nothing at all, about Dr Raines' race and gender while I equally instantly assumed that she is woman of African descent, a practicing Muslim and living in a same-sex relationship.

Is my assumption any less valid than yours? Or are you trying to generalise and say that all "white males" are, by definition, just champing at the bit for 18C to be repealed so that they can hit the streets and insult, vilify and humiliate every non-white, non-male person they see?

Your uninformed instant stereotyping and specious assumptions makes your comment utterly worthless.

When you say "...so that isn't likely to happen" do you not see the irony? You've already proved that it is "likely to happen" and had you said it to me in a public place with witnesses then I would charge you under Section 18C of the RDA because it is insulting, humiliating and vilifying.

Commenter - **Jack Richards**

Location - Snowy Mountains

Date and time May 14, 2014, 11:03AM

*

Dr Raines, (is that a PhD pre-nominal?),

Prefacing a statement with "the fact remains" does not turn an opinion into a fact. That is just a poor man's rhetorical device. Not sure what you mean by entitled. Entitled by what, exactly? Free speech does not give one the entitlement to shout "fire!" in a crowded theatre for fun. The Australian Constitution does not "entitle" either. There is no overt* and codified* right to free speech. (Those asterisks are there to denote to the pedants and bush lawyers that I am fully aware that the High Court of Australia determined that there is a implied constitutional support of freedom of political expression.)

Bear in mind, Dr Raines, those who have countered you are simply expressing their free speech "entitlement" too.

You have the bit about an "inept government" correct, in my not so humble opinion.

Commenter - **WhiskyTangoFoxtrot**

Location

Date and time - May 14, 2014, 1:28PM

*

You are so wrong, there is nothing in the Australian constitution or under law that implies or gives people in Australia freedom of speech or association. The various laws relating to anti-discrimination, anti vilification, the bikie laws in various states all clearly demonstrate that you cannot say what you like or associate with whomever you wish to. For a "free and democratic" country, we have to be very careful what we say to whom or we can end up getting locked up for something that is indeed quite legal in a real democratic country.

Even when something is very rotten in Government and someone in the know lets the cat out of the bag, invariably it

is the whistle-blower who is punished rather than the wrong doer.

Commenter - **Zjonn**

Location

Date and time - May 14, 2014, 4:34PM

*

I see it this way: Either we have free speech or we don't. There are certain elements in this country who don't want discussion on issues for fear of them being forensically examined and then found to be not only false, but to be fabrications and lies on a monumental scale. That is what this debate is really about. All advocates of freedom of expression in Australia should applaud Senator Brandis for taking this stand, he knows what risks he takes.

Commenter - **Bernie**

Location - Queensland

Date and time - May 14, 2014, 8:16AM

*

You are right Bernie it is total free speech or not and in a perfect world I would be a free speech advocate. However this is because I don't see myself ever deriding anyone for their race,sex, sexuality, disabilities etc.

However there are members in this society, Toben being a good example, who will.

These people should act as a reminder that words can do severe and lasting harm. For that reason I agree that there should be laws around the public use of certain types of language.

The pen is mightier than the sword, and we have no compunctions about restricting the use of the sword

Commenter - **Alby**

Location - Sydney

Date and time - May 14, 2014, 9:48AM

*

We don't have the freedom to libel or slander, or intimidate individuals on the basis of lies.

Why should we have the freedom to tell even bigger lies about whole races?

Bolt was guilty under 18c not because of "offence", but because of multiple untrue claims - fact. The judgement is online for all to see - free speech.

Other speech such as obscene speech and threatening speech is also illegal - free speech is not absolute in any country.

Commenter - **Truthisfree**

Location - WA

Date and time - May 14, 2014, 10:52AM

*

Lets watch the political fallout here because it will be ugly.

Commenter - **Lindsay**

Location - Stamford

Date and time - May 14, 2014, 9:12AM

*

I imagine Toben is not alone in submitting a bigoted submission. His infamous legacy and views are well known and Fairfax is to be congratulated in exposing such radical views. This is exactly the type of person Brandis' radical changes appeal to. No doubt the Bolta has submitted one too, along with all his IPA cronies.

Brandis you've been outed, drop these proposed changes or hand your resignation in.

Commenter - **A country gal**

Location

Date and time - May 14, 2014, 9:17AM

*

As far as I am concerned, Toben is a fool for denying hard facts about the genocide of Jews by the Nazis. However, there is a principle at stake here and that is the right of a person to deny anything he chooses for any reason.

For instance, I deny that Jesus Christ was anything but a normal bloke, if he even existed. I deny that there is any god. I have just alienated all Christians and Muslims.

By the way, this issue with Jews should not be covered by any race hate laws, simply because Judaism is not a race, merely a

belief system. I will concede that Judaism is a race when somebody can prove to me that a belief in a mythical Skydaddy is somehow transmitted by DNA and not just acquired by indoctrination and brainwashing. Until then, I will treat Judaism like any other religion and none of them have anything to do with race.

But if Toben wants to deny the Holocaust, that's fine. He will just make a dope out of himself. Prosecuting him for his delusions just gives him oxygen. Furthermore all Racial vilification and anti-discrimination laws need to be scrapped, because we all have the right to freedom of speech, freedom of expression and freedom of association.

This nation actually needs a Bill Of Rights to put these rights in concrete. If we want to discriminate, then we have a right to do so. If we want to be bigots, then that's our right. No legislation will stop this anyway.

Commenter - **Ziggy**

Location - Sydney

Date and time - May 14, 2014, 9:23AM

*

Ziggy, I was at high school with Doctor Frederick Toben and say he was an extremely bright and outspoken student and later became a Phd. I think most people know there's a difference between being bright and being wise. I would bet London to a brick that in any debate concerning the conduct of Germany's Military forces, or related matters, during the last War Fred would run rings around his opponents, carve them up into small pieces.

That is precisely why he was hounded, expelled from his career as a teacher, financially ruined and eventually imprisoned. He is dogged in his defense of German honor and decency while his opponents have very good reasons to shut him up, they understand such a person is a danger to their interests.

Just because we were at school doesn't mean we are bosom buddies, I haven't seen or spoken with him for 50 years. But the man is certainly not a criminal and he doesn't need to be vilified as he has been by people who mostly don't have a clue.

His opponents have quietly slipped in speech restriction laws which enabled them to see Dr Toben in Jail for refusing to believe something which he regards to be a great big lie. Is that the Australia we want to live in?

It takes a very courageous Politician to undo this insanity. Senator Brandis should be applauded.

Commenter - **Bernie**

Location

Date and time - May 14, 2014, 4:41PM

*

I died laughing when I read this as is says it all. It clearly shows how "extreme" the views of a Brandis and this government are. This is not about free speech it 's 100% about pandering to Andrew Bolt. Without exception every minority group, community group, religious group have condemned these changes as dangerous. Sadly none of this matters as this government doesn't care or listen. Last night's budget proved they couldn't lie straight in bed.

Commenter - **Andrew Nuts**

Location

Date and time - May 14, 2014, 9:25AM

*

Free speech is needed so that every member of a democracy can contribute to the discussion. And free speech is needed so that objections or disagreements can be aired.

Some people assume that free speech implies that everybody else can hear what they have to say.

But now we come to a different meaning of the word 'free'. Making your word heard is NOT free of cost. If you have access through ability to pay or the ability to barter with some other 'goodie' you can have access to the press or the airwaves which is what is required to broadcast your view. Therefore those with the power of money have the influence.

It is up to the people with the power given them by democracy to make sure the power of money does not have influence over the power of ideas.

Get out of the way, Brandis!

Commenter - **EM**

Location

Date and time - May 14, 2014, 9:47AM

*

Em, you're tripping over your own thoughts. Brandis isn't the problem, he has understood that forces exist in Australia with sufficient influence and MONEY to stifle debate on issues they would prefer not be examined, let alone openly questioned. Senator Brandis isn't the problem, he understands it completely and he's doing this at great personal risk to his career. I believe people should be able speak openly and be heard. This is a fundamental human right and a far better idea than having an unseen but powerful minority impose LEGAL restrictions of discourse from behind the curtain.

Do you want to live in an Australia where parents are afraid of speaking in front of their children for fear of them repeating it at school and then getting a nocturnal visit from the Gestapo or the KGB? Or an Australia where a man gets arrested at gunpoint in the dead of night for some comment he made in a speech to a public audience 15 years earlier?

Because that's exactly where the invisible promulgators of speech restriction laws are leading us. We have slander and libel laws which have served the English speaking World very well for many centuries, let us leave it at that.

Commenter - **Bernie**

Location

Date and time - May 14, 2014, 12:17PM

*

@Bernie

You are becoming a wiser man indeed.

Commenter - **Alex**

Location - Finley

Date and time - May 14, 2014, 1:49PM

*

Birds of a feather flock together...

Commenter - **Ozzoid**

Location - Perth

Date and time - May 14, 2014, 9:55AM

*

Bernie and Dr Raines, freedom of speech isn't a simple black and white issue. I've just returned from a trip to Israel where I visited the Yad Vashem memorial. I suggest you visit the memorial, or visit online, and see for yourselves the results of hate speech. Words can be powerful weapons so be careful what you wish for.

Commenter - **seatseeker**

Location - Sydney

Date and time - May 14, 2014, 10:03AM

*

If Frederick Tobin's Holohoax views are reason not to allow freedom of thought and expression, what next is slated for the 'no discussion' list, and who decides the list?

The Catholic Church's most beloved of scientific theologian Thomas Aquinas was advancing the Earth's roundness as a fundamental of logic when the Church itself said it was flat.

The price of truth is free speech. Freedom of thought and expression tests truth. The views of Tobin, Bolte and others - whether you agree with them or not, deserve to be tested.

Section 18C is about distorting truth by not allowing it to be tested. As a society we are worse off with section 18C.

"I disapprove of what you say, but I will defend to the death your right to say it" - Voltaire

Commenter - **Truth**

Location - Melbourne

Date and time - May 14, 2014, 10:13AM

*

A couple of points:

* contravening section 18C is not an illegal act. It simply opens you up to a restitution claim from injured parties

* section 18D contains significant exemptions for statements made in good faith, regardless of who feels injured or vilified by them.

I don't get where "free speech" is being trampled on, unless you count the ability to knowingly spout nonsense and lies without any injured party having any recourse to restitution as "free speech"

Commenter - **JRD**

Location - Melbourne

Date and time - May 14, 2014, 3:19PM

*

So that's the Ku Klux Klan, holocaust deniers and Bolt in favour of changing the race hate laws. And on the other side....

Commenter - **StBob**

Location

Date and time - May 14, 2014, 10:29AM

*

St Bob, not a good argument. If you want to use association and exaggeration to make a point, then let's see, who legislated in any form against free speech in the 20th Century? Hitler and Stalin to name just a couple.

Commenter - **Fracken**

Location

Date and time - May 14, 2014, 4:23PM

*

Australia has strong anti defamation laws that protect people from untrue and malicious commentary. Section 18C doesn't stop untrue comments, all it does is restrict legitimate debate. The fact that a holocaust denier has made a comment doesn't change anything. I would rather that they feel free to expose their view, and thereby themselves instead of living quietly in the shadows. We don't have to like what people say but everyone is entitled to a view.

Commenter - **Free speech is a right.**

Location

Date and time - May 14, 2014, 10:50AM

*

Why should historical research and discussion into the holocaust be illegal? So called "deniers" are often or were at one time respected historians. They are not attempting to start a new war and holocaust or cause anyone any harm. They are simply presenting some lesser known historical facts that do not accord with the generally accepted beliefs of what happened. Why can we not look at the research of these people and then refute it or accept it. How is seeking the truth dangerous?

If research findings can be peer reviewed and found to be false that should be enough. If they can not be found to be false they should be accepted as the new historical facts.

The problem arises when historical research points out discrepancies between what we all believe to be true and what in fact may be true.

This is a dangerous area of study for any historian, lay or otherwise, to pursue as it means the end of your career and possibly much worse.

Even if contemporary historical studies of those times find conflicting facts they can not be mentioned unless they accord with the known facts. That is not true research, that is just the continuance of propaganda.

Commenter - **Jordan**

Location

Date and time - May 14, 2014, 11:54AM

*

The supporters of so called "free speech" fail to realise that it has nothing to do with free speech per se. These people are cherry picking some facts and padding them with distortions or untruths to do what????? Is it some crusade for the truth?

The evidence for these atrocities is overwhelming - written and oral accounts (by the perpetrators, victims and those allied soldiers who had the job of liberating these facilities), photographs, films - to deny that it occurred flies in the face of reality. So what is it they are trying to do??? It certainly isn't a

clarification of historical fact and their words only seem to give expression to unfounded and unsubstantiated conspiracy theories about the influence of a group of people. Is that any different from all the other conspiracy theories about other groups in society??? There is more truth in the conspiracy relating to Murdoch's influence on this government than the prattle of people like Irwin and Toben, yet we seem to be more comfortable with that than the great "Jewish Conspiracy" (a term integral to the supremacist manifesto of Hitler, Goebbels, Himmler and others).

People should not be free to perpetrate lies and ferment hate - free speech is about the communication of considered opinion (even if people do not agree with it) NOT spurious baseless hate fermenting BS (we have a government that seems to be doing that for us).

Commenter - **EddyC**

Location - Perth

Date and time - May 14, 2014, 12:01PM

*

Who is to decide what can be discussed and what the outcome of that discussion should be?

Many Japanese still want the Allied forces to be tried for war crimes for the destruction of Hiroshima and Nagasaki and the deaths of hundreds of thousands of civilians both in the initial blast and later deaths from radiation exposure.

If Germany had committed a similar atrocity the perpetrators would have been convicted of war crimes without any doubt.

To the victor go the spoils (and the pickings were indeed rich for the Allied), but also the more valuable acquisition, the power to write the history of events.

Some of what was stolen from the German people included all, I repeat, all commercial patents for drugs that had a value to Germany that was almost incalculable, processes of manufacturing for such things as the rubber in the tires still in use today on your modern car, most of what we now know as the modern aerospace industry including the space program. and the list goes on and on...

The theft of all this intellectual property has been valued at countless trillions of dollars and some historians have postulated that the end game of the war was actually about how to obtain the massive intellectual and technical treasures of Germany.

Who is to decide what is the "right" way to think? Can we not just look at the unadorned facts and see the truth for what it is, even if it is sometimes unpleasant.

Commenter - **Jordan**

Location

Date and time - May 14, 2014, 12:20PM

*

@ Jordan

So what you are saying is that the allies would never have thought of a rocket, how to make a rubber tyre, or invent any useful drugs had they not invaded Germany?

As I recall, the jet engine was invented in England by Sir Frank Whittle. Penicillin was invented in England and mass produced in the USA and the discoverers got nothing but a Nobel Prize. Jonas Salk gave away his polio vaccine for exactly nothing. I recall that the Hawker Typhoon was equipped with rockets and that the Red Army's "Katyusha" artillery was also rocket-powered. I do recall that radar, sonar, huff-puff, demagnetisation and "Ultra" were all invented in England while the Americans came up with guidance systems and very accurate bomb-sights. I also recall that all the American trucks and jeeps ran on rubber tyres that were highly prized by the Germans - who were running their vehicles on tyres made of rope.

Whatever patents the Germans may have had would have all expired pre-1970 anyway.

Insofar as the Japanese having a whinge, it seems that they have forgotten their decade of atrocities during "the China Incident" as they like to call it; and their further atrocities carried out against allied POWs and the civilians of every country over-run by the Japanese Imperial Army.

Yes, the victors do write the history. I wonder how accurate and truthful history would be if the Germans and the Japanese had won?

Commenter - **Jack Richards**

Location - Snowy Mountains

Date and time - May 14, 2014, 1:18PM

*

I will reply to you Jack.

The jet engine was invented by Whittle but simultaneously a man called Hans von Ohain came up with the same idea with no knowledge of Whittles work. An alliance with Ernst Heinkel resulted in the first jet aircraft, the He 178, being flown in August 1939. This led to the Messerschmitt Me 262 which was the first jet aircraft powered by an axial flow engine which is the foundation of all engines on jet powered aircraft to this day.

Your next point was rocketry. I am not discussing small solid fuel rockets such as you mentioned. I am talking about liquid fueled rockets that took the Apollo missions to the moon. Wernher Von Braun led that project and many others. Without the technology that his surrender bought to the allied nations historians all agree that it would have taken decades to conquer near space. Missiles as we know them stem from this technology. You would not enjoy satellite communication without these technologies.

Your rope tyre comment is laughable. Ha Ha. The Allied forces relied on real rubber to make tyres etc. Lack of access to that resource drove the Germans to develop synthetic rubber. The tyres you use today are made in essentially the same way using the same process that was developed by the Nazis. Did you think they were actual rubber?

There are far more drugs than penicillin my friend. We could start at Aspirin (Bayer AG) and work our way up but I will let you do your own research. You may learn something about the history of modern pharmaceuticals while you are at.

I imagine the history written by Germany if they had been victorious would be about as reliable the one we currently believe.

Commenter - **Jordan**

Location

Date and time - May 14, 2014, 1:46PM

*

I am sure you're right, Jordan, and that the British, Americans and Soviets would never have thought of a long-range rocket or a satellite.

Yes the ME262 was used in the last months of the war while the western allies knew they'd won and could see no sense in major re-tooling to make jet fighters when they had thousands of P51s, P47s, B29s et al to use first. Although, of course, the Gloster Meteor entered service with the RAF in July 1944 and was later converted to the first turbo-prop.

Yes, the Germans were the first to extract aspirin but the first anti-biotic, Salvarsan, the first drug that actually cured anything rather than being a palliative, was invented in England and first marketed in 1910.

I am also sure that no-one would have thought to use nylon, invented in the USA, or any other synthetic to make tyres. Though the Goodyear and Dunlop companies were always looking for a better and more reliable ride. The Germans relied on synthetic rubber because they had no access to natural rubber. They also made synthetic fuel for the same reason.

I am not sure what a potted history of German technical innovation has to do with Section 18C of the RDA - unless you are coming to Mr Toben's defence and believe that the Holocaust was invented by the Jews and that they got millions of people, from the Ural Mountains to the English Channel, to all tell the same lie and that, really, the Germans were pretty decent chaps and the SS was a charitable organisation dedicated to the welfare and succour of Jews, Gypsies, Homosexuals, Communists, Slavs and other assorted untermensch?

Commenter - **Jack Richards**

Location - Snowy Mountains

Date and time - May 14, 2014, 2:26PM

*

Abbott and Brandis were warned but chose not to listen. Please bring on the double dissolution election; enough is enough.

Commenter - **RGG**

Location - Sydney

Date and time - May 14, 2014, 12:28PM

*

So RGG, you don't like what is being proposed so you want to overthrow a legitimately elected democratic government. They were "warned". Wow.

Commenter - **Fracken**

Location

Date and time - May 14, 2014, 4:25PM

*

When it is someone who holds this view of the Holocaust who voices support for the changes to these laws, the rest of us should take note. There's a consistency in those perspectives that cannot be ignored--or encouraged. And certainly not enshrined in law.

Commenter - **Igrsydney**

Location

Date and time - May 14, 2014, 1:42PM

*

You have of course studied the Holocaust widely and have spent many years reading the literature?

You sound very sure of the facts as they have been presented to you. What independent research have you conducted to prove or disprove the truth as you believe it to be.

Are you aware for instance that many so called Holocaust deniers do not in fact deny it happened? They have issues with such details as the number of deaths, the manner in which people died, how executions/murders were carried out and the logistics of the destruction of the corpses. They do not "deny" the holocaust happened at all, they just seek the empirical truth of this atrocious era.

When people say, "Oh so and so doesn't believe it happened" they are usually incorrect. Irving for example, questions the total number of deaths and how they arose. Legitimate questions in my mind. It is still a cloudy area with many historical inaccuracies promoted as fact.

One immediately springs to mind. The tattooed skin lamps shades as seen in Schindler list and referred to at Nuremberg. That is an admitted falsehood. Hollywood director Billy Wilder shot some propaganda footage at Buchenwald showing the lamp shade but Holocaust museum curators around the world agree that it was staged scene with movie props and the tattooed lamp shade never existed and there is not any reason to believe that prisoners skin was preserved in any form. The sergeant at Nuremberg that said he saw it, later retracted his allegation and said that he was under pressure to make that statement by the Office of Strategic Services. These facts are supported by Holocaust museum curators not deniers. Can we believe them?

Did you know that one fact for example? What else do you not know?

Commenter - **Jordan**

Location

Date and time - May 14, 2014, 2:37PM

*

Yes I too back the proposed changes so that we ALL might freely have a chat about how Israel treats the Palestinians without being accused of being anti-Jewish or anti-Israeli.

Commenter - **Freedom to Speak**

Location

Date and time - May 14, 2014, 1:47PM

*

This comments section is looking more like YouTube than the SMH. Definitely a few Holocaust deniers here. Usual combination of self-righteousness, fanaticism and pseudo-intellectual gibberish. Those saying the right approach is to engage with Holocaust deniers (and other conspiracy

theorists) in some sort of battle of facts are wrong. You can't argue with fanatics and lunatics, and you don't have to. No matter how many times you show them their facts are wrong, their arguments illogical, their theories risible, they'll just keep arguing, coming up with more and more obscure 'facts' that turn out to be yet more nonsense. David Irving set the standard for this, claiming that the Holocaust didn't happen because the metal used in the pipes in the gas chambers wasn't invented until 1952, or whatever, except in each and every case it turns out that he was wrong, or had simply made things up. Yes, you could go through his stuff and knock down every one of his 'facts', but who has the time? The only sensible way to deal with people like him is to ignore them completely.

Commenter - **Monty**

Location - Sydney

Date and time - May 14, 2014, 2:55PM

*

Maybe someone should make the time then Monty.

What you are suggesting is that, yes, his facts are all nonsense but over the course of a few decades no one has been bothered to refute them clearly and with facts supported by evidence?

Some of his "facts" may well be nonsense. Some of his "facts" as attributed to him are not even his but a creation of others seeking to discredit his work. It is entirely in the bounds of probability that some of his facts may indeed be correct.

We will never know what is true and what is untrue if we do not fully dissect his arguments and indeed review this time in history. The documentation is certainly there, in archives in both Russia and Washington as much of it was not destroyed as was reported as is widely accepted by everyone.

I would like a proper accounting of that time in history done so we can properly understand it. There is a great deal of "reputable" literature on those times available, discussing such things as the links between Wall street and the NAZI party and the hatred for Hitler and his policies by what we would call

<http://www.smh.com.au/federal-politics/political-news/holocaust-denier-frederick-toben-backs-george-brandis-plans-for-discrimination-law-20140513-zrbnx.html#ixzz31gHt1cAJ>

Neocons today, but because of the threats you receive for investigating such matters the truth will no doubt remain forever buried.

I think that most people do not even know that Irving was actually a respected historian and writer at one point before he traveled down the road of Nazi research.

Commenter - **Jordan**

Location

Date and time - May 14, 2014, 3:25PM

*

Holocaust denial IS anti-Semitism ..

Commenter - **Ratty**

Location - Riverina

Date and time May 14, 2014, 3:44PM

*

First it was a Holocaust denier, next thing you know it'll be an Apartheid denier. A previous poster was right a Bill of Rights is what this country is missing.

Commenter - **Mr P**

Location - Watson ACT

Date and time - May 14, 2014, 3:46PM

*

This is the type of person the Abbot Government appeals to.

Commenter - **Clare**

Location

Date and time - May 14, 2014, 4:11PM

*

The truth should not require a law to support it. History, like science, is never settled.

One should be allowed to investigate and discuss history, or science for that matter, without fear of being incarcerated.

Commenter - **The truth**

Location

Date and time - May 14, 2014, 4:36PM

Comments are now closed

The front page hard copy headline of the Sydney Morning Herald 14 May 2014 article:

Race hate laws Changes will challenge 'Jewish supremacism', historian says

Holocaust denier backs Brandis

Heath Aston

Political Correspondent

Holocaust denier Fredrick Toben has strongly backed the Abbott government's plans to water down race hate laws, describing them as a welcome challenge to "Jewish supremacism" in Australia.

In an explosive submission to Attorney-General George Brandis' review of the Racial Discrimination Act, obtained by Fairfax Media, Mr Toben congratulated the government for its attempt to rectify what he describes as a "flawed law, which only benefits Jewish-Zionist-Israeli interests".

His comments drew immediate anger in the Jewish community, which has warned that the government's plans for Section 18C of the act will open the door to "vilification on a massive scale".

Mr Toben said Senator Brandis - who famously defended people's "right to be a bigot" - had incorrectly claimed the need for reform of the Racial Discrimination Act was about free speech and the conviction of News Corp columnist Andrew Bolt under 18C.

"The essence of what the RDA Section 18C is all about and why it needs to be repealed is that the so-called 'Bolt law' is in effect a 'Holo-



Congratulating the government on its amendments: Fredrick Toben.

caust protection law'," Mr Toben wrote. "The 'Bolt law' case was used in an attempt to hide this Holocaust matter and to make it a free expression issue. The trap set for the multiculturalists in Australia by Jewish interests, who designed Section 18C, is that the sole aim of this section has always been to legally protect ... the Holocaust-Shoah narrative."

Senator Brandis distanced the government from Mr Toben's support on Tuesday, describing the historian as a "nutter".

"I've never read anything that Mr Toben has said but I'm aware of

Continued Page 6

**Now the hard copy of the same front-page article as published
on the same day in Melbourne's *The Age*:**

NEWSPAPER
OF THE YEAR

\$2.30

Wednesday
May 14, 2014

Published in
Melbourne since 1854
theage.com.au



THE AGE

INDEPENDENT. ALWAYS.

The notorious Fredrick Toben may soon be free to deny this happened



Holocaust denier backs Brandis race hate law

Exclusive
Heath Aston

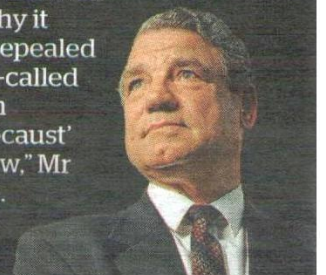
Holocaust denier Fredrick Toben has strongly backed the Abbott government's plans to water down race hate laws, describing them as a welcome challenge to "Jewish supremacism" in Australia. In an explosive submission to Attorney-General George Brandis' review of the Racial Discrimination Act, obtained by Fairfax Media, Mr Toben congratulated the government for its attempt to

rectify what he describes as a "flawed law, which only benefits Jewish-Zionist-Israeli interests". His comments drew immediate anger in the Jewish community, which has warned that the government's plans for Section 18C of the act will open the door to "vilification on a massive scale". Mr Toben (right) said Senator Brandis - who famously defended people's "right to be a bigot" - had incorrectly claimed the need for reform of the Racial Discrimination

Act was about free speech and the conviction of News Corp columnist Andrew Bolt under 18C.

"The essence of what the RDA Section 18C is all about and why it needs to be repealed is that the so-called 'Bolt law' is in effect a 'Holocaust' protection law," Mr Toben wrote.

Continued
Page 5



Holocaust survivor warns Senator Brandis over Australia's race hate laws: 'Words kill'



[Carolyn Webb](#), Reporter for The Age, May 14, 2014 - 7:26PM



Moshe Fiszman at the Holocaust Museum in Elsternwick. Photo: Ken Irwin

A Holocaust survivor whose family was murdered by the Nazis has warned that the "forces of darkness" will be unleashed if Australia's race hate laws are watered down.

Moshe Fiszman, 92, urged Attorney-General George Brandis to talk to survivors such as himself before instigating his reform of the Racial Discrimination Act, which he said would allow free rein to Holocaust deniers such as Fredrick Toben and David Irving.

Mr Fiszman reacted angrily to Toben's remark on Tuesday that Mr Brandis's move was a welcome challenge to "Jewish supremicism" in Australia.

Mr Fiszman, of South Caulfield, a guide at the Jewish Holocaust Centre said: "I don't think that the Minister or the Prime Minister know anything about this, that they understand what this is all about."

In Poland in World War II, Mr Fiszman experienced the brutal consequences of untethered racism. At age 18, in 1939, he was among 30,000 Jews that racist Nazis forced to live in a typhus-ridden ghetto in Radom built for 10,000.

In 1942, his widowed father and three sisters, the youngest aged 12, were transported and murdered at Treblinka concentration camp, "their ashes sold to farmers for fertiliser". Mr Fiszman survived Majdanek, Auschwitz and Dachau concentration camps, and a death march into the snow-bound Tyrolean mountains before liberation by US troops.

He said Mr Brandis' proposed reform of the Act, on the basis of free speech, is "outrageous".

"We have got enough freedom in this country, even more than the United States. Who does he [Senator Brandis] want to give the freedom to?

"To people that shouldn't be given the voice in the first place. What kind of freedom does he need? Can any one of these people who intend to bring this into life even discuss this with a survivor?

"We are the ones. We are the barometer, we can tell you, we know what words are. They are talking, 'it's only words', Well words kill. Words murdered my family. Words incarcerated me for five and a half years."

"My opinion about this is simple. If this goes through Parliament, the forces of darkness have taken over, to me. If this goes through, all the Holocaust deniers will be in front and they'll be able to use it whichever way they they want."

"Imagine what's going to happen if these people get a free for all, and they'll be able to write whatever they like without worry of being taken to court or sentenced because of it."

"At present, they've got some sort of a screen. I am an Australian of Jewish faith. When this goes through, it will be the other way around. I'll be a minority. I've lived under that system. I know what minorities are. I know how minorities are treated."

<http://www.smh.com.au/national/holocaust-survivor-warns-senator-brandis-over-australias-race-hate-laws-words-kill-20140514-zrcr7.html#ixzz31qLrpizt>

Peter Wakefield Sault peter.sault@odeion.org clarifies this inciting statement "Words kill":

If he's right then we should ban the Bible. All of it.

Defamation should be law reform focus, not racial discrimination



[Richard Ackland](#), Sydney Morning Herald columnist, May 15, 2014 - 9:24PM



"We're hobbled by a whole lot of gobbledegook about the right to be bigots." Photo: Andrew Meares

Fredrick Toben, from the fringe tribe of Holocaust deniers, has finally skewered Senator George Brandis' Bigots Bill. Thanks, Fred. This particularly odious piece of legislation needed a wingnut to sink it. With friends like these, Brandis' Bill is gone for all love and money.

Toben says Brandis' amendment to the Racial Discrimination Act is a welcome challenge to "Jewish supremacism" in Australia. Further, as it stands, the RDA is a "Holocaust protection law". He wants the Attorney-General's changes to the Act to be called the Toben Amendments. Move over, Andrew Bolt.

The evisceration of section 18C of the RDA was to be the signature reform of this attorney-general. It was the first thing he announced after being sworn into office. Of all the injustices that could be fixed, this had first place in Brandis' firmament.

The details of what was proposed did seem to wobble around. First, it was to be root-and-branch reform of the provision making it unlawful to offend, insult, humiliate or intimidate anyone on the basis of their race, colour or ethnic origin.

Then there were intimations of a more modest recasting of the provision. Maybe only "offend and insult" would be chopped. Then in March Brandis' handcrafted amendments were unveiled to a gobsmacked country.

Offend, insult and humiliate were out. Vilify and intimidate were in, but special sorts of narrowly conceived vilification

and intimidation – hitherto widely unrecognised in the jurisprudence.

Ordinary, reasonable Australians were to decide whether something was "reasonably likely" to vilify or intimidate ethnic or racial minorities.

The daddy of them all was the proposed open slather provision. There was no offence at all if whatever was otherwise vilifying or intimidating was done "in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter". Sadly, sporting matters went missing.

Actually, Brandis was on notice about his looming Toben problem. When he was spruiking his proposed amendments in March, he was asked by the ABC about Fredrick Toben's earlier run-in with the RDA. He said: "For those who are concerned about Holocaust denial, I can't see how Holocaust denial fails to be racial vilification. Toben, as I understand his particular case, wasn't involved in the public discussion of a matter – he just put some racist nonsense on his website."

So, Holocaust denial might be defensible if it is part of the public discussion, but not if it is on a website. It might take some time to unravel that piece of blithering confusion. Toben is such a lover of free speech that he's currently suing News Corp and Greens leader Christine Milne for defamation.

Anyway, the death of Brandis' flatfooted attempts at reform of the RDA will leave the AG free to tackle his next exciting

venture – locking down the internet to protect copyright material from being pirated. Should be a piece of cake. The curious elevation of racial and ethnic vilification as the centrepiece of the struggle for freedom in Australia has left rather neglected those areas of the law that continue to pose more elementary and daily challenges to free speech. What about the skewed law of defamation? It's riddled with plaintiff celebrities, sports figures and politicians – all wanting to have their wounds salved with awards of money. And yet, where's the law?

Despite all the chest-beating there's no underpinning for a free press in this country. The so called implied constitutional defence of free speech on governmental or political matters is a dead letter.

You can count on two fingers the occasions when it has been successfully pleaded by the media. Tellingly, last year the implied freedom was responsible for the striking down by the High Court of a NSW law that capped donations and prescribed donors to political parties.

This seemed more like protecting money speech than free speech.

The English defamation reforms have left us in the dust: abolition of trial by defamation jury reducing the length and

cost of actions; a test of serious harm; and a single publication rule, so that plaintiffs cannot bring multiple actions over basically the same story.

Importantly, there's a defence of public interest which can be sustained if the journalism was responsible.

There's been no discussion in Australia of moving our defamation law into the 21st century. Instead we're hobbled by a whole lot of gobbledegook about the right to be bigots.

Where's Freedom Boy when we need him?

Twitter: @JustinianNews

*

Richard Ackland - I deny I am a Holocaust denier - :>>Fredrick Toben, from the fringe tribe of Holocaust deniers, has finally skewered Senator George Brandis' Bigots Bill. Thanks, Fred. << - but I enjoyed the delightful style in which you wrote about a serious issue.

Best wishes.

Fredrick Toben 16 May 2014

<http://www.justinian.com.au/>

<http://www.smh.com.au/comment/defamation-should-belowreformfocusnotracialdiscrimination-20140515-zrdz3.html>

Law should focus on defamation not bigotry



Richard Ackland

Fredrick Toben, from the fringe tribe of Holocaust deniers, has finally skewered Senator George Brandis' bigots bill. Thanks, Fred. This particularly odious piece of legislation needed a wingnut to sink it. With friends like these, Brandis's bill is gone for all love and money.

Toben says Brandis's amendment to the Racial Discrimination Act is a welcome challenge to "Jewish supremacism" in Australia. Further, as it stands, the RDA is a "Holocaust protection law". He wants the Attorney-General's changes to the act to be called the Toben amendments. Move over, Andrew Bolt.

The evisceration of section 18C of the RDA was to be the signature reform of this attorney-general. It was the first thing he announced after being sworn into office. Of all the injustices that could be fixed, this had first place in Brandis's firmament.

The details proposed did seem to wobble around. First, it was to be root-and-branch reform of the provision making it unlawful to offend, insult, humiliate or intimidate anyone on the basis of their race, colour or ethnic origin.

Then there were intimations of a more modest recasting of the provision. Maybe only "offend and insult" would be chopped. Then in March Brandis's handcrafted amendments were unveiled to a gobsmacked country.

Offend, insult and humiliate were out. Vilify and intimidate were in, but special sorts of narrowly conceived vilification and intimidation – hitherto widely unrecognised in the jurisprudence.

Ordinary, reasonable Australians were to decide whether something was "reasonably likely" to vilify or intimidate ethnic or racial minorities.

The daddy of them all was the proposed open slather provision. There was no offence at all if whatever was otherwise vilifying or intimidating was done "in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter". Sadly, sporting matters went missing.

Actually, Brandis was on notice about his looming Toben problem. When he was spruiking his proposed amendments in March, he was asked by the ABC about Fredrick Toben's earlier run-in with the RDA.

He said: "For those who are concerned about Holocaust denial, I can't see how Holocaust denial fails to be racial vilification. Toben, as I understand his particular case, wasn't involved in the public discussion of a matter – he just put some racist nonsense on his website."

So, Holocaust denial might be defensible if it is part of the public



Senator George Brandis' plans for law reform are on notice.

discussion, but not if it is on a website. It might take some time to unravel that piece of blithering confusion. Toben is such a lover of free speech that he's currently suing News Corp and Greens leader Christine Milne for defamation.

Anyway, the death of Brandis's flatfooted attempts at reform of the RDA will leave the AG free to tackle his next exciting venture –

locking down the internet to protect copyright material from being pirated. Should be a piece of cake.

The curious elevation of racial and ethnic vilification as the centrepiece of the struggle for freedom in Australia has left rather neglected those areas of the law that continue to pose more elementary and daily challenges to free speech.

What about the skewed law of defamation? It's riddled with plaintiff celebrities, sports figures and politicians – all wanting to have their wounds salved with awards of money.

And yet, where's the law?

Despite all the chest-beating there's no underpinning for a free press in this country. The so-called implied constitutional defence of free speech on governmental or political matters is a dead letter.

You can count on two fingers the occasions when it has been successfully pleaded by the media. Tellingly, last year the implied freedom was responsible for the striking down by the High Court of a NSW law that capped donations and prescribed donors to political parties.

This seemed more like protecting money speech than free speech.

The English defamation reforms have left us in the dust: abolition of trial by defamation jury; reducing the length and cost of actions; a test of serious harm; and a single publication rule, so that plaintiffs cannot bring multiple actions over basically the same story.

Importantly, there's a defence of public interest which can be sustained if the journalism was responsible. There's been no discussion in Australia of moving our defamation law into the 21st century. Instead we're hobbled by a whole lot of gobbledegook about the right to be bigots.

Where's Freedom Boy when we need him?

Twitter: @JustinianNews

Denier Toben backs Brandis over RDA

GARETH NARUNSKY, MAY 16, 2014



HOLOCAUST denier Fredrick Toben has claimed in his submission to the federal government's race law review that Section 18C of the Racial Discrimination Act was "designed by

Jewish interests" to "legally protect the Holocaust-Shoah narrative".

According to *The Sydney Morning Herald*, Toben also described the government's planned changes as a welcome challenge to "Jewish supremacism" in Australia.

His submission has been condemned by Jewish roof bodies, with AIJAC's Tzvi Fleischer saying it was evidence of why the law should not be changed.

"If the changes go through according to the government's model for comment, we do fear that people like Toben will be able to say whatever they want," he said.

Attorney-General George Brandis has distanced the government from Toben's remarks.

<http://www.jewishnews.net.au/denier-toben-backs-brandis-over-rda/34999>

Heads roll as Austrian students tested on Nazi apologist text

BY [MICHAEL SHIELDS](#), VIENNA Thu May 15, 2014 7:22am EDT

(Reuters) - Two senior Austrian educators will step down over a scandal in which a test administered to school-leavers featured an essay by a Nazi apologist, the latest in a series of missteps in awarding high school diplomas.

Following a high-profile data leak and a failure to communicate new grading scales, the final straw came when this year's German test included a 1947 text by German author Manfred Hausmann, who had worked for Nazi propaganda magazine *Das Reich*.

Students were asked to reflect on how "The Snail" - in which a gardener decides the pest has to die to protect his plants - dealt with questions about nature and life. The test omitted to mention the broader context of the author's Nazi past.

The case has caused embarrassment and anger in Austria, which was annexed by Nazi [Germany](#) into the Third Reich in 1938 and has been struggling for decades to escape a reputation for brushing its history under the carpet.

Salzburg educator Wolfgang Muehlbacher, part of a group of critical authors who exposed the incident, said a 15-member advisory panel of literature experts who picked the text had clearly missed its significance.

"I assume the people simply were not exact enough, took too little time for this so that they did not see what was going on," he said. "Former Nazis who were involved in this whole machinery of crime have to read the text as absolving them." Hausmann died in 1986.

Education Minister Gabriele Heinisch-Hosek said the co-directors of the independent BIFIE institute in charge of overseeing educational quality and testing would go in July.

She convened an advisory panel to report back in a month on how the Alpine Republic can avoid such mishaps in future under a new leadership of the BIFIE.

The case has also raised renewed concerns that Austria's education system - while praised for its effective vocational training - is failing to equip young people with the academic skills they need to thrive in the modern world.

Unemployment is the lowest in the European Union but organizations including the Organization for Economic Cooperation and Development group of wealthy countries have highlighted issues with Austrian schools.

"Austria's well-being model has largely drawn on the quality of its vocational education system, but the education system as a whole faces important challenges," the OECD found in its latest national survey of Austria.

It noted the proportion of students below minimum proficiency levels in international tests had risen while the share of those reaching the highest proficiency had fallen.

Heinisch-Hosek promised a shake-up of BIFIE to ensure "less heads in the clouds and more feet firmly on the ground, less ivory tower and more suitability for practical use".

- Editing by [Mark Heinrich](#)

<http://www.reuters.com/article/2014/05/15/us-austria-education-nazi-idUSBREA4E0CM20140515>

Further Response to 5-4-14 What Would Socrates Do? By James Romm – see [Newsletter No 767](#):



[rbirds](#) [FToben](#) • [an hour ago](#)

The cited news story is from Arutz Sheva (Channel Seven), a news organization said to be affiliated with the neo-Zionist movement and broadcasting from the occupied West Bank. So the article and the context of the use of the quote are embedded in Israeli/Palestinian politics. As such, we are unable to treat the cited story as an unbiased account of Netanyahu's speech.

Really, it doesn't belong in this comment string at all.



[FToben](#) [rbirds](#) • [a few seconds ago](#)

Yes, it does, if you focus on those individuals who are taking Heidegger's legacy to task for having made that so-called "antisemitic" comment, whose truth-content the news story confirms. We have reached the stage in western academia where everything is politics and everything is religion - as is the case, especially in Middle Eastern academia, from which Heidegger's philosophy attempts to distance itself - with or without success, i.e. as soon as the concept "antisemitism" is used, then there is politics writ large.

Compulsory HOLOCAUST STUDIES

A STUDENT EXPOSES HOLOCAUST STUDIES AS TEACHING, among other things, HATRED AGAINST GERMANS

=====START

The reason I got into trouble was because of the script I submitted. The task at school was to create a documentary on the Holocaust but the drafting process was a submission of the script. When I submitted the script I was sent to the head of religion – who is ironically Jewish because I am at a Catholic school – he basically overlooked all the evidence I put forth and requested me to visit him every Friday at lunch time under the pretext of both of us working to understand the truth.

He made out it would be an even platform of discussion but I only attended the first two Fridays and never went back because he also had the head of history there. The whole 'discussion' was basically him bullying me and trying to get me to rebuke/recant my standpoint, whilst the "history teacher" was in the background backing him up. I never really got much of a word in. I had even gone so far to print out a number of A3 sized newspaper articles with the 6 million BS spewed out well before WW2, but he didn't care and dismissed most of what I was saying/presenting as coincidences. His rebuttal to a David Irving speech I gave him was that David is well presented and speaks well and therefore what he says is convincing. I remember the history teacher saying 'The Jews had no power in Germany' because I had mentioned that they were over represented population wise, which is a fact; just read: "Jewish Domination of Weimar Germany"

He wasn't stupid and in my opinion he knew what I was saying was the truth. He combated David Coles' documentary with the fact that he rebuked his views. As David Cole was a source in my script, I knew I was never going to win the argument or get him to concede that it was the truth because where would that have left the 100+ students that had been indoctrinated with this propaganda?

Needless to say I was never allowed to show my documentary to the grade. The whole grade dedicated one Monday to watching everyone's documentaries, which were only supposed to go for 5-8 minutes lol – mine is 39 minutes long. I didn't attend that day at school because everyone without exception, as my friend later told me, had just gone with the flow pumping the 6million, final solution, gas chamber BS., bashing Hitler, the Nazis and Germans.

Because I attended no further meetings on the allocated Friday, I was sent to the school councillor because I was allegedly depressed and that is how they assumed I had conceived my opinion on the Holocaust, which of course is not true. I went to one meeting and then just walked out because I was treated like I was insane and spoken too like I was 5 years old. So the head of history 'teacher' – who doesn't even know about the Ukrainian Holodomor – organised for me to re-do my assignment. She also had a private talk with my mother on getting me a psychiatrist to come visit me at home. I was to re-do my assignment on either Pearl Harbour or Operation Barbarossa. I remember distinctly her saying, 'He must do a topic that does not involve Jews', basically insinuating that I am a racist and an Antisemite. She emailed me the submission date and instead of doing it on Pearl Harbour I just re-did it on the Holocaust.

=====END